

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

WADE PARK LAND HOLDINGS,
LLC; WADE PARK LAND, LLC; and
THE THOMAS FAMILY TRUST, by
and through its Trustees, acting in their
official capacities,

Plaintiffs,

v.

JONATHAN KALIKOW;
WP DEVELOPMENT PARTNERS LLC;
GAMMA LENDING OMEGA LLC;
GAMMA REAL ESTATE CAPITAL
LLC; GRE WP LLC; and BLAKE
GOODMAN,

Defendants.

CIVIL ACTION FILE

NO. 3:20-cv-176-TCB

**MOTION OF DEFENDANTS JONATHAN KALIKOW, WP
DEVELOPMENT PARTNERS LLC, GAMMA LENDING
OMEGA LLC, GAMMA REAL ESTATE CAPITAL LLC
AND GRE WP LLC TO DISMISS**

Defendants Jonathan Kalikow, WP Development Partners LLC,
Gamma Lending Omega LLC, Gamma Real Estate Capital LLC and GRE WP
LLC (together, “Defendants”) move to dismiss Plaintiffs’ Amended Complaint
(the “AC”) pursuant to Fed. R. Bankr. P. 7009 and 7012 (which incorporate
Fed. R. Civ. 12(b)(1), 12(b)(6) and 9(b)). The AC alleges claims for a

declaratory judgment, federal and state RICO violations, fraud, tortious interference with business relations, breach of contract, unjust enrichment, usury, federal fraudulent transfers, state voidable transfers, conspiracy to breach fiduciary duties, misappropriation of trade secrets, punitive damages and attorneys' fees. The accompanying Memorandum of Law shows, however, that each of these claims should be dismissed on multiple grounds including failure to state a claim upon which relief can be granted, failure to comply with Rule 9(b), and failure to satisfy the plausibility requirements of the applicable pleading standards. In addition, the claims have been released. As a result, the Court should dismiss the AC against Defendants with prejudice.

Respectfully submitted, this 13th day of November, 2020.

ROBBINS ROSS ALLOY
BELINFANTE LITTLEFIELD LLC

By: /s/ Richard L. Robbins

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*Counsel for Defendants Jonathan Kalikow,
WP Development Partners LLC, Gamma
Lending Omega LLC, Gamma Real Estate
Capital LLC and GRE WP LLC*

L.R. 7.1(D) CERTIFICATION

I certify that the foregoing has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1(C). Specifically, this Motion has been prepared using 14-pt Times New Roman Font.

/s/ Richard L. Robbins
Richard L. Robbins

CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing **MOTION OF DEFENDANTS JONATHAN KALIKOW, WP DEVELOPMENT PARTNERS LLC, GAMMA LENDING OMEGA LLC, GAMMA REAL ESTATE CAPITAL LLC AND GRE WP LLC TO DISMISS** with the Clerk of Court using the CM/ECF system, which will send e-mail notification of such filing to counsel of record.

This 13th day of November, 2020.

/s/ Richard L. Robbins
Richard L. Robbins